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SUBJECT: NEW PANAMA OMBUDSMAN TAKES OFFICE AMID A STORM OF  
CONTROVERSY

#### SUMMARY

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11. (SBU) Maritime lawyer Liborio "Garcia" Correa took office as Panama's third human rights Ombudsman during a short ceremony at the National Assembly on April 3, 2006, amid raucous demonstrations opposing his appointment. A group of enraged women forced their way into the National Assembly chanting anti-Garcia slogans that disrupted his swearing in and forced him to leave by a side exit. Garcia has refused to step down despite increasingly loud public calls for his resignation from politicians and civic society leaders. Sparking the uproar were the public disclosure of a 2004 domestic violence complaint by his wife, along with Garcia's controversial remarks on freedom of speech and domestic violence. Many Panamanians have soured on Garcia, whom they now perceive as a political crony and office seeker, reluctant to let go of a job with an excellent salary and fringe benefits. While women's groups, female politicians, and many notable Panamanians have strongly criticized Garcia calling him "unfit," President Torrijos has pushed First Lady Vivian Torrijos to the forefront of those demanding Garcia's exit. End Summary.

#### Third Panamanian Ombudsman

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12. (SBU) After heavy lobbying and despite his weak qualifications for the job (see para 7), on March 23, 2006, Liborio Garcia Correa, 45, was elected Panama's human rights watchdog, with 48 out of 78 Legislative votes. President Torrijos appointed him on March 27, 2006, and he took office in an ill-received ceremony at the National Assembly on April 3, 2006.

#### The scandal

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13. (U) On March 23 just a couple of hours before Garcia's election by the National Assembly, a scandal erupted when another candidate for the position, Legislator Advisor Neftali Jaen, distributed copies of a domestic violence complaint against Garcia filed before a local judge by his wife, Hilda Lorena Moreno, in March 2004. The media immediately questioned Garcia about the domestic violence complaint. Garcia --while still at the legislature-- announced on national TV that he considered his domestic

violence case a "private" matter and that he would sue anyone who discussed his case publicly. In addition, Garcia complained that authorities in general are biased in favor of women in domestic violence cases. To make matters worse, the following day Garcia made public remarks about limiting freedom of speech by declaring that he planned to formally advise the media on which topics they can and cannot report in the interest of protecting the "right to privacy." (Comment: The charges were widely known within the GOP at least one month before, leading some to question the GOP's decision-making process and political judgment. End Comment.)

#### Violence is "Private"

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¶4. (U) Garcia's remarks that domestic violence is a "private" matter upset women's groups, which immediately began a campaign against him on TV and radio call-in shows as well as in the National Assembly. GOP officers such as the Presidential Coordinator for International Donations (and former Minister of Women's Affairs) Leonor Calderon and current National Secretary for Nutrition Affairs (and former legislator) Teresita de Arias attended press conferences against Garcia's appointment. First Lady Vivian de Torrijos publicly disagreed with Garcia's remarks calling them "regrettable" and stating that Garcia lacked credibility. She also avoided face-to-face contact with him at a well-attended social event on April 6. At this same event, Emboffs and media reported that no one would sit next to Garcia.

¶5. (U) Despite public requests by Legislative President Elias Castillo and Legislative Human Rights Chairman Rogelio Paredes (who had privately campaigned for Garcia) asking Garcia to step down before being sworn in. He refused. On

Monday, April 3, 2006, Garcia officially became the human rights Ombudsman. That afternoon a large group of militant women from all walks of life, including a former legislator, a former vice minister of foreign affairs, and a former vice presidential candidate arrived at the National Assembly with signs and placards to protest the appointment and to try to stop the swearing in. Legislative President Castillo ordered security to keep the women out, but pressure from the media, phone calls by the well-connected women to legislators inside the chamber and support from a female opposition legislator on the floor allowed the women to gain access to the ceremony where they loudly chanted against Garcia. (Note: Despite the loud outcry from women throughout Panama, no female Democratic Revolutionary Party (PRD) legislators have made any public comments about Garcia or his election). The uproar forced the Assembly to cancel the protocol toast and remarks following the swearing in, while Garcia fled the room through a side exit.

#### "He must go"

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¶6. (SBU) ForMin Samuel Lewis and PRD legislator Leandro Avila separately told Emboff that a 2/3 Assembly vote is needed to remove Garcia, but both agreed on the need for Garcia to go. "He is causing damage to the Government of Panama," Lewis emphatically said. On April 12 opposition legislators Mireya Lasso and Jose Blandon introduced a draft resolution asking to dismiss Garcia based on "lack of moral authority" to hold the job. The PRD-controlled assembly reacted by appointing an ad hoc committee to submit a report about Garcia's performance during his first thirty days in office. Former Majority Leader, PRD legislator Freidi Torres told Emboff that the committee, which has no legal standing, will find a way to get rid of Garcia.

#### A Religious Maritime Lawyer

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¶7. (SBU) Garcia is a lawyer with a master's degree in philosophy and a PhD in maritime law, both from Cambridge University. Media refers to him as "San Liborio" because of his work as an active Catholic Layman and Lay Eucharistic Minister. Panama's Archbishop Jose Cedeo has publicly

denied rumors that the Church pushed for Cedeo's appointment, but PRD legislator Torres told Emboff that Cedeo deserves a lot of the blame for Garcia's appointment, as he lobbied with President Torrijos, among others. Apart from the charges of spousal abuse and his comments about the press, many Panamanians believe Garcia does not have the he academic background or the experience to serve as Ombudsman. The two previous Ombudsmen both held doctorates in human rights.

#### Political Connections

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¶8. (U) Garcia was born and raised in Chitre, Herrera, President Torrijos's hometown. Garcia's father was an active follower of the late General Omar Torrijos and served as Notary Public for many years during the military regime. Garcia himself was a member of the PRD Youth Movement, although he later withdrew. Garcia admits that he is on a first-name basis with President Torrijos, often addressing him by his childhood nickname "Chiqui." Garcia was also a high schoolmate of Legislative Human Rights Chairman Rogelio Paredes and worked two years (1995-1997) with current Attorney General Ana Matilde Gomez at the now defunct GOP Regional Inter-Oceanic Authority.

#### A New Broom

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¶9. (SBU) Former alternate Ombudsman (1997-2001) Dr. Julio Arias told Emboff that on his first day in office, Garcia asked all eight Ombudsman directors to submit their resignations, regardless of their expertise in human rights. Four of those directors have already left the office due to Garcia's request. Garcia has appointed lawyer Monica Perez as his deputy. Perez is the oldest sister of current GOP Refugee Office Director Pablo Perez, both active young PRDers. According to rumors within his office, Garcia

allegedly remarked that he had to appoint a PRD member as his deputy as political payback. Unlike Garcia, Perez does have some post-graduate studies on human rights.

#### Seventy-seven Candidates

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¶10. (U) According to the law, the Ombudsman has the rank and salary of a cabinet member (US\$84,000 per year). The perks of the job include a \$60,000 Land Cruiser, drivers and bodyguards 24 hours-a-day, a staff of 150, and well equipped, state-owned offices. In January 2006, Seventy-seven Panamanians, including lawyers, prosecutors, teachers, and psychologists among others, submitted their applications for the job. Since the beginning of the process there were rumors about two "favorites": Garcia and legislative advisor Neftali Jaen, both pro-PRD. On voting day, the GOP/PRD-controlled Assembly elected Garcia for a five-year term on a secret ballot. (Comment: Given the large number of highly

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qualified candidates, the GOP's inability to select a non-controversial Ombudsman is puzzling. End comment.)

#### Background

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¶11. (U) The "Defensoria del Pueblo" (DP) or Ombudsman's Office was created in 1997. The enacting legislation states that the DP is an independent institution that should act with full functional, administrative and financial autonomy. The law also stipulates that the Ombudsman is elected by the National Assembly and appointed by the President. The Legislative Human Rights Committee initiates the selection process by publishing an announcement of the vacancy, screening the applicants, conducting interviews and submitting names for final election. A candidate needs an absolute majority vote in the Assembly to become Ombudsman. The law also gives the Ombudsman independence by prohibiting the President from firing him or her.

¶12. (U) The legislation also states the Ombudsman position

is "incompatible with political activism." In case the new Ombudsman does belong to a political party, s/he must resign to party membership. Failure to do so results in annulment of his/her election.

Comment

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¶13. (SBU) Nearly a month has passed since Garcia's swearing in but Panamanians continue to criticize his election. People wonder why President Torrijos blessed Garcia's candidacy in the first place, even though it was widely-known within the GOP that Garcia lacked qualifications for the job and also had a recent domestic violence case against him. The scandal has upset PRD legislators who believe that the Torrijos government's mishandling of the matter has made them look bad. But as public attention shifts to Canal expansion, Garcia's removal becomes more doubtful with each passing day. The GOP's unwillingness to undo its mistake on an issue that has given it a black eye remains difficult to understand. The GOP is probably relying on Panamanians short memory to just let the issue die. But what politician would be complacent about offending half the population?

Eaton